

REMARKS

It is noted that claims 1-23 (not 1-18, as listed by the Examiner) were pending at the time of the Office Action.

In response to the Examiner's Election of Species Requirement, Applicant hereby elects the invention of Species I (Figures 8-12, as defined by claims 1-2, 4, 6-9, 12-13, 15-20, and 22), with traverse. Claim 2 is believed generic. Applicant reserves the opportunity to file Divisional Applications for the non-elected inventions later. Claim 1 has been canceled, and claims 4, 7, and 18 have been amended to depend on claim 2. Claims 19, 20, and 22 have been canceled as duplicates of newly amended claims 4, 7, and 18. No new matter has been added.

Applicant respectfully traverses the Election of Species Requirement for the following reasons. The species contained in the present application should be appropriately classified into Species I and II as follows:

Species I: Figures 8-18

Claims 2, 4, 6-9, 12-13, 15-20, and 22 are readable on Species I, in which claim 2 is considered to be a generic claim and claims 4, 6-9, 12-13, 15-20, and 22 are dependent on claim 2.

The embodiment of Species I is characterized by multiple layers of tape fibers (204₁---204₄) being fixed on a fiber array and which are separated into a plurality of optical fibers (205₁---205₄₈). The plurality of optical fibers are fixed at a fixation section (208, 308).

Variations of this embodiment might be classified into two types: 1) a tape optical fiber cord including a protective tube (Figures 8-14 and 17-18); and 2) a tape optical fiber cord including no protective tube (Figures 15-16).

Further, the variations might be classified in another two types: 3) a tape optical fiber cord in which a fixation section (208) is formed to be narrow and a branching section (209) is further provided (Figures 8-16); and 4) a tape optical fiber cord in which a fixation section (508) is formed to be wide and a fixation section is not formed (Figures 17-18).

Species II: Figures 19-22

Claims 3, 5, 10-11, 14, 21, and 23 are readable on Species II, in which claim 3 is considered to be a generic claim and claims 5, 10-11, 14, 21, and 23 are dependent to claim 3.

The embodiment of Species II is characterized by multiple layers of tape fibers (204₁---204₄) being fixed on a fiber array and which are separated into a plurality of optical fibers (205₁---205₄₈). Then, the plurality of optical fibers are formed into a single layer tape section (605).

Variations of this embodiment might be classified into two types: 1) a tape optical fiber cord including a protective tube (Figures 21-22); and 2) a tape optical fiber cord including no protective tube (Figures 19-20).

Thus, Applicant submits that the above two (2) species are more appropriate than the Examiner's alleged eleven (11) species (embodiments).

Further, even if the species are classified into Species I and II, the Examiner's search with regard to all species' claims would be coextensive, such that there would be no substantial additional searching burden placed on the PTO in the examination of all the species' claims in the same application.

Additionally, even assuming arguendo that a slight, additional searching burden was imposed upon the PTO if all the species' claims were examined in the same application, the burden to the Applicant would be much greater in terms of financial considerations, since several divisional applications are likely to be filed. Divisional applications are costly, with the present filing, issue, and maintenance fees alone being about \$5,000 per application. Thus, from a financial standpoint, Applicant's costs associated with filing and prosecuting divisional applications are believed to outweigh any slight additional costs (e.g., due to searching) incurred by the PTO if the claims were to be examined in the same application.

For the above reasons, Applicant respectfully requests that the Examiner withdraw the Election of Species Requirement, and examine all the species' claims in the same application.

It is noted that the claim amendments herein are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability.

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Further, it is noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

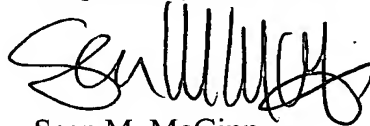
Further, Applicant respectfully requests the Examiner's acknowledgment of the priority document filed on May 7, 2002.

Early, favorable prosecution on the merits is respectfully requested.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A conditional petition is made for any extension of time which may become necessary. The Commissioner is authorized to charge any fees for such extension and to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



Sean M. McGinn

Reg. No. 34,386

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McGinn & Gibb, PLLC

Intellectual Property Law

8321 Old Courthouse Road, Suite 200

Vienna, Virginia 22182-3817

(703) 761-4100

Customer No. 21254